

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

POLYFORM, A.G.P. INC., a)	
Quebec, Canada, corporation;)	
PLASTIQUES CELLULAIRES)	
POLYFORM, INC., a Quebec)	
Canada, corporation; and)	
NUDURA CORPORATION, an)	
Ontario, Canada, corporation,)	
)	
Plaintiffs,)	8:07CV397
)	
v.)	
)	
AIRLITE PLASTICS CO., a)	ORDER
Nebraska corporation,)	
)	
Defendant.)	
)	

At the close of plaintiffs' case in chief, the defendant made motions for judgment as a matter of law, which the Court took under advisement. These motions were renewed at the close of the evidence and again, ruling was reserved.

The jury has now returned a verdict in favor of the defendant, finding the patent invalid. Accordingly, all of defendant's motions are moot.

At the close of defendant's case in chief, the plaintiffs filed the following motions: for judgment as a matter of law on the issue of Airlite's failure to establish that the '419 patent is invalid under Title 35, United States Code, §§ 102 or 112 (Filing No. 296), and for judgment as a matter of law on the issue of patent validity on non-obviousness grounds (Filing No. 297). In addition, the defendant orally moved for judgment

as a matter of law on the issue of Airlite's willful infringement of the '419 patent. The Court reserved ruling on these motions and submitted the case to the jury, which returned a verdict finding that all patent claims at issue were invalid.

The defendant has now filed briefs in opposition to plaintiffs' motions (Filing Nos. 330 and 331). As to the plaintiffs' motion that Airlite failed to establish that the '419 patent was invalid under Title 35, United States Code, §§ 102 or 112 (Filing No. 296), this motion will be denied as moot. That issue was not submitted to the jury.

Having reviewed plaintiffs' other motions and the response of the defendant to those motions, the Court finds that plaintiffs' motions should be denied.

Judgment will now be entered on the jury's verdict dismissing plaintiffs' claim with prejudice and taxing costs to the plaintiff. Accordingly,

IT IS ORDERED:

- 1) Defendant's motions are denied as moot.
- 2) Plaintiffs' motions are denied.
- 3) The clerk shall enter judgment for the defendant on the verdict of the jury, taxing costs to the plaintiffs.

DATED this 17th day of March, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court